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SENATE BILL 34

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE NEW MEXICO SCHOOL FOR THE ARTS ACT; ALLOWING FOR THE CREATION OF A STATE-CHARTERED CHARTER SCHOOL AS A STATEWIDE RESIDENTIAL HIGH SCHOOL FOR THE ARTS; EXEMPTING THE SCHOOL FROM CERTAIN PROVISIONS OF THE CHARTER SCHOOLS ACT; ALLOWING THE SCHOOL TO ESTABLISH ADMISSIONS CRITERIA AND ROOM AND BOARD FEES; PROVIDING FOR OUTREACH ACTIVITIES; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the "New Mexico School for the Arts Act"."

Section 2. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] PURPOSE OF ACT.--The purpose of the New
3 Mexico School for the Arts Act is to provide for the
4 establishment of the "New Mexico school for the arts" as a
5 statewide residential state-chartered charter high school that
6 provides New Mexico students who have demonstrated artistic
7 abilities and potential with the educational opportunity to
8 pursue a career in the arts."

9 Section 3. A new section of the Public School Code is
10 enacted to read:

11 "[NEW MATERIAL] DEFINITIONS.--As used in the New Mexico
12 School for the Arts Act:

13 A. "board" means the governing body of the school;
14 and

15 B. "school" means the New Mexico school for the
16 arts."

17 Section 4. A new section of the Public School Code is
18 enacted to read:

19 "[NEW MATERIAL] PURPOSE OF SCHOOL--SCHOOL EXEMPT FROM
20 CERTAIN PROVISIONS OF THE CHARTER SCHOOLS ACT.--

21 A. The commission may charter a "New Mexico school
22 for the arts" as a statewide residential state-chartered
23 charter school for grades nine through twelve to offer
24 intensive preprofessional instruction in the performing and
25 visual arts combined with a strong academic program that leads

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1 to a New Mexico diploma of excellence.

2 B. The school and the board are subject to all the
3 provisions of the Charter Schools Act, except Subsection K of
4 Section 22-8B-4 NMSA 1978 and Section 22-8B-4.1 NMSA 1978. The
5 school shall not charge tuition, except as otherwise provided
6 in the Public School Code."

7 Section 5. A new section of the Public School Code is
8 enacted to read:

9 "[NEW MATERIAL] BOARD CREATED--POWERS AND DUTIES--
10 SOLICITATION OF GIFTS, GRANTS AND DONATIONS.--The school shall
11 be governed by a board of at least five members constituted as
12 provided in the school's application for charter. No member of
13 the board shall serve as a member of another charter school.
14 The board shall have such powers and perform such duties as
15 required by state and federal law and the school's charter,
16 including soliciting and receiving gifts, grants and donations
17 to further the purposes of the school and to assist the school
18 in providing free or reduced-fee room and board for those
19 residential students who cannot pay all or part of residential
20 costs."

21 Section 6. A new section of the Public School Code is
22 enacted to read:

23 "[NEW MATERIAL] ADMISSIONS CRITERIA--EQUAL OPPORTUNITY--
24 OUTREACH.--

25 A. The admissions criteria shall be designed to

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1 admit students who show exceptional promise or aptitude in the
2 arts and a strong desire to pursue a career in the arts. The
3 admissions process shall be conducted in a way that provides
4 equal opportunity for admission to each prospective student
5 regardless of that student's exposure to previous artistic
6 training and without regard to the student's ability to pay
7 residential costs.

8 B. The board shall ensure, to the greatest extent
9 possible and without jeopardizing admissions standards, that an
10 equal number of students is admitted to the school from each of
11 the state's congressional districts.

12 C. The board shall submit an annual report to the
13 charter schools division and the commission that includes
14 demographic information about both applicants and students
15 admitted to the school, including the counties and the
16 congressional districts represented by the students enrolled
17 and the makeup of the student body in terms of socioeconomic
18 status, gender and ethnicity.

19 D. The school shall conduct outreach activities
20 throughout the state to acquaint potential students with the
21 programs offered by the school. The outreach activities shall
22 include programs for middle school students and workshops for
23 teachers. There shall be no admissions criteria established
24 for participation in outreach activities."

25 Section 7. A new section of the Public School Code is
.170866.1

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1 enacted to read:

2 "[NEW MATERIAL] ROOM AND BOARD CHARGES.--

3 A. The school shall charge residential students a
4 fee to cover the costs of room and board. The board shall
5 establish a sliding-fee scale based on the student's ability to
6 pay. The commission shall approve room and board charges and
7 the sliding-fee scale during the planning year of the school
8 and may approve changes to the charges and scale as requested
9 by the board.

10 B. The school shall report each year to the charter
11 schools division and the commission on the number of students
12 requiring financial assistance for room and board; the amount
13 of financial assistance provided; and the amount and source of
14 gifts, grants and donations received by the school to provide
15 that financial assistance."

16 Section 8. APPROPRIATION.--Four hundred fifty thousand
17 dollars (\$450,000) is appropriated from the general fund to the
18 public education department for expenditure in fiscal year 2009
19 for planning and outreach activities of the proposed New Mexico
20 school for the arts. Any unexpended or unencumbered balance
21 remaining at the end of fiscal year 2009 shall revert to the
22 general fund.

23 Section 9. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.

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